

INITIATIVE 805

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 805 to the People is a true and correct copy as it was received by this office.

AN ACT Relating to initiative review for constitutionality; and adding new sections to chapter 29.79.RCW.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The initiative review commission is established, consisting of three members appointed by the governor and confirmed by the senate. Two members must be retired judges of a court of record and the third member must be a practicing attorney in the state of Washington. The governor shall nominate an alternate to be confirmed by the Senate who will serve in the event a conflict of interest occurs on any particular initiative. The alternate may be either a retired judge or an attorney. No person may serve on the commission if, within the year before appointment, he or she has been an elected state or local official or a registered lobbyist. Appointments must be made before March 1st of each odd numbered year and will be for terms of two years. The governor shall fill vacancies by appointment. Appointments must clearly not have a conflict of interest in an initiative being reviewed. The commission shall select a chair from among its members.

NEW SECTION. Sec. 2. Within 30 days after the date of certification of sufficiency under RCW 29.79.230 or the certification of a rejected initiative to the legislature under RCW 29.79.270, the commission shall conduct an analysis to determine if, as a matter of settled law, there is a likelihood the measure may be contrary to the state Constitution or the Constitution or laws of the United States. The commission may adopt procedures it deems appropriate to obtain submissions from interested parties on the issues raised by the measures, which shall include but not be limited to public hearings in Olympia, Spokane, Seattle, and Bellingham. All meetings of the commission shall be open to the public and all records shall be public. Sponsors of the initiative will be accorded sufficient opportunity to respond before any voted are taken by the commission.

NEW SECTION. **Sec. 3.** If the majority of the commission finds that, as a matter of settled law, it is their opinion that there is a significant likelihood the measure may be contrary to the state Constitution or the Constitution or laws of the United States it shall prepare a statement in a timely fashion for inclusion in the voters' pamphlet that lists the potential challenges. The statement will appear adjacent to the ballot measure summary prepared by the attorney general and must be clearly identified as the statement of the initiative review commission. The names and legal backgrounds of commission members must be clearly noted. The statement must include the statement that "Only a court of law can ultimately decide the constitutionality of this measure. The legal opinion of this commission is our best judgment but has no legal or binding force." The initiative sponsor shall be accorded an equal space to address his/her opinion on the constitutionality of the measure in question and may cite opinions of three lawyers.

NEW SECTION. **Sec. 4.** The legislature shall appropriate funds to enable the commission to carry out its duties. Members shall receive one hundred dollars of compensation for each day spent in the official performance of their duties. RCW 43.03.050 and 43.03.060 apply to the members of the commission and counsel or staff retained by the commission.

NEW SECTION. **Sec. 5.** The commission may retain such legal counsel and administrative staff as necessary to perform its duties. The commission shall determine the compensation for counsel and administrative staff.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act are added to chapter 29.79.RCW